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WELLS FARGO BANK, N.A.; WELLS FARGO &
14 COMPANY

15 UNITED STATES DISTRICT COURT

16 NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION
17

18 MONTE RUSSELL and DANIEL
FRIEDMAN, on behalf of themselves
19 and others similarly situated,

20 Plaintiff,

21 vs.

22 WELLS FARGO & COMPANY,

23 Defendants.
24

CASE NO. C 07-03993 CW

JUDGE CLAUDIA WILKEN
COURTROOM 2

**AMENDMENT TO SETTLEMENT
AGREEMENT BETWEEN
PLAINTIFFS AND DEFENDANTS**

25 Plaintiffs MONTE RUSSELL and DANIEL FRIEDMAN (hereinafter,
26 “Plaintiffs”), individually and on behalf of the class, and defendants WELLS FARGO
27 BANK, N.A. and WELLS FARGO & COMPANY (hereinafter “Defendants”) hereby
28

1 amend the parties' previously submitted Settlement Agreement (ECF 142-1), which
2 received preliminary approval from the Court on March 26, 2010 (*see* ECF 152), as
3 follows:

4
5 1. The parties have identified three additional FLSA Class Members who were
6 inadvertently omitted from the FLSA Class as described in the original Settlement
7 Agreement.¹

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9 2. Suzanne Honeck is a member of the FLSA Settlement Group 2 (*see*
10 Paragraph 2(a)(ii) of the Settlement Agreement). She was a PC/LAN Engineer 3, who
11 opted-in to this Action in response to the second notice of collective action (ECF 54), who
12 performed work in a state other than California, and who received overtime back pay from
13 Defendants calculated using a fluctuating workweek formula.

14
15 3. Dustin Knappe is a member of the FLSA Settlement Group 2 (*see* Paragraph
16 2(a)(ii) of the Settlement Agreement). He was a PC/LAN Engineer 4, who opted-in to
17 this Action in response to the second notice of collective action (ECF 54), who
18 performed work in a state other than California, and who received overtime back pay
19 from Defendants calculated using a fluctuating workweek formula.

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21 4. Jeffrey Telford was a PC/LAN Engineer 5. He is a member of the FLSA
22 Settlement Group 4 (*see* Paragraph 2(a)(iv) of the Settlement Agreement). He opted-in
23 to this Action in response to the second notice of collective action (ECF 54).

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26
27 ¹ The inadvertent omission of these three individuals was discovered by the parties during
28 the administration and facilitation of the settlement process.

5. For the purposes of settlement, each of the three previously omitted Class Members will be treated the same as those Class Members included in the original Settlement Agreement to whom they are similarly situated, and they will be compensated under the Settlement Agreement as indicated in Exhibit A (to be filed under seal pursuant to N.D. Cal. L.R. 79-5). These payments will increase the total amount paid by Wells Fargo to settle all Plaintiff Class Member claims to \$1,734,004.39, exclusive of fees, costs, and incentive awards.

6. All provisions of the Settlement Agreement will apply to these three previously omitted Class Members with full force, as if they had been included in the original Settlement Agreement. These individuals have already agreed to be bound by any judgment on their FLSA claims by virtue of opting in to this Action.

DATED: April 13, 2010

LARSON KING, LLP
T. JOSEPH SNODGRASS
KELLY A. SWANSON

By: /s/ T. JOSEPH SNODGRASS
T. JOSEPH SNODGRASS

Attorneys for Plaintiffs
MONTE RUSSELL and DANIEL FRIEDMAN

DATED: April 13, 2010

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